

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DISTRICT

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: UNITED STATES OF AMERICA : Criminal No. 16-00267-CCB
: v. :
: RANDY BANKS, :
: Defendant. : Baltimore, Maryland
: May 16, 2017
- - - - - x

INITIAL APPEARANCE HEARING

BEFORE: THE HONORABLE BETH P. GESNER, Magistrate Judge

APPEARANCES: CHRISTINA HOFFMAN, Esq.
LAUREN PERRY, Esq.
Office of the U.S. Attorney
36 South Charles Street
4th Floor
Baltimore, MD 21201
On Behalf of the Government

CHARLES CURLETT, JR., Esq.
Rosenberg, Martin, Greenberg, LLC
25 South Charles Street
21st Floor
Baltimore, MD 21201
On Behalf of the Defendant

Audio Operator: Kathy Vockroth

Transcription Company: CompuScribe
P.O. Box 789
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Keynote: "---" indicates inaudible in transcript.

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1 P R O C E E D I N G S

2 (Whereupon, at 1:26 p.m., the hearing begins.)

3 THE COURT: Ms. Hoffman, you want to call the case.

4 MS. HOFFMAN: This is the United States of America
5 versus Randy Banks aka Dirk(sic). Case number CCB-16-0267.
6 I am Christina Hoffman on behalf of the United States. With
7 me here at counsel table is AUSA Lauren Perry and we are here
8 for Mr. Banks' initial appearance.

9 THE COURT: Good afternoon to both of you.
10 Mr. Curlett?

11 MR. CURLETT: Good afternoon, Your Honor. Charles
12 Curlett for the defendant, Randy Banks. I understand the
13 gentleman seated next to me to my right. I just had an
14 opportunity to meet him a moment ago and to review in broad
15 terms the indictment before him.

16 THE COURT: Okay, very well. Thank you. Good
17 afternoon, Mr. Banks. Mr. Banks, we are here for your
18 initial appearance and the purpose of this proceeding is to
19 make sure you understand the charges, what your rights are
20 and to discuss your release status pending your next court
21 appearance. Do you understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: I am going to ask you to pull the
24 microphone down a little bit. There you go. Thank you. You
25 are charged in -- is this the superceding indictment.

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1 MS. HOFFMAN: It is.

2 THE COURT: You are charged in Count 1 of the
3 superceding indictment with racketeering conspiracy in
4 violation of Title 18 of the United States Code, Section
5 1962(d). The maximum penalty for that charge is up to life
6 imprisonment with five years of supervised release so it
7 would follow any incarceration and a \$250,000 fine. You are
8 also charged in Count 2 of the indictment with conspiracy to
9 distribute narcotics in violation of Title 21 of the United
10 States Code Section 846. The maximum penalty for that is up
11 to life imprisonment with a minimum mandatory term of 10
12 years. Which means that if you are found guilty of the
13 offense, the Court with some exceptions will be required to
14 sentence you to that minimum term.

15 There is also the possibility of five years of
16 supervised release that would follow any period of
17 incarceration as well as maximum possible fine of \$10
18 million. Do you understand what the charges are and what the
19 maximum possible penalties are?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: There is also at the end of the
22 indictment what is called a forfeiture count asking that
23 anything that was obtained or used in the course of the
24 charges in the indictment be forfeited or given up to the
25 Government. There is no jail time associated with that but

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1 you are named in that count as well. You understand that as
2 well?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Now, you have the right to remain
5 silent with respect to the charges, Mr. Bank, you are not
6 required to make any statements. If you did, it could be
7 used against you. You also the right to have an attorney
8 represent you at all stages of the proceedings and if you
9 can't afford one, I will appoint one for you. Do you
10 understand both of those rights?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And I am going to ask you to please
13 stand and raise your right hand, the clerk is going to swear
14 you in and I am going to ask you a few questions.

15 (Whereupon, the defendant was sworn in.)

16 THE DEFENDANT: Yes, ma'am.

17 THE CLERK: Please state your name for the record.

18 THE DEFENDANT: Randy Darnell Banks.

19 THE CLERK: Thank you.

20 THE COURT: Be seated, Mr. Banks. Can you tell me
21 your age please?

22 THE DEFENDANT: 39.

23 THE COURT: And what year, just the year that you
24 were born in?

25 THE DEFENDANT: '77.

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1 THE COURT: And what is your current address?

2 THE DEFENDANT: 34 ---

3 THE COURT: And where is that? Baltimore?

4 THE DEFENDANT: Baltimore, Maryland.

5 THE COURT: Within the last 24 hours, have you had
6 anything to drink or take any kind of drugs, prescription or
7 otherwise that are currently affecting your ability to
8 understand what is going on here?

9 THE DEFENDANT: I took a prescription drug but that
10 is for medication for hypertension. That is all --

11 THE COURT: But that is not having any effect on
12 your ability to understand the proceeding?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: You understand everything so far?

15 THE DEFENDANT: Yes.

16 THE COURT: And the financial information that you
17 provided, is that correct to the best of your knowledge?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And you would like me to appoint an
20 attorney?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And there is a conflict with the
23 Federal Defender?

24 MS. HOFFMAN: Yes, Your Honor.

25 THE COURT: I know you already met Mr. Curlett

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1 seated next to you, Mr. Banks. I am going to appoint him to
2 represent you. He is a member of our criminal justice act
3 panel of attorneys in private practice who have agreed to
4 accept appointments from the Court and whom the Court has
5 found qualified to handle cases like yours. So he will be
6 available to represent you through the rest of the case.

7 THE DEFENDANT: Okay.

8 THE COURT: You understand that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. And the Government's position on
11 release?

12 MS. HOFFMAN: We are seeking detention. Both on
13 grounds of danger to the community and flight risk.

14 THE COURT: And Mr. Curlett?

15 MR. CURLETT: I have spoken with Mr. Banks about
16 the Government's request and we will consent to detention at
17 this time, Your Honor.

18 THE COURT: Okay.

19 MR. CURLETT: Subject to requesting detention
20 hearing at a later date.

21 THE COURT: Okay. So you understand, Mr. Banks, by
22 agreeing to be held in custody today, if circumstances change
23 and you want to have a hearing, you can always ask Mr.
24 Curlett to schedule -- to ask the Court to schedule one. Do
25 you understand that?

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1 THE DEFENDANT: I do.

2 THE COURT: And does Mr. Banks have any medical or
3 mental health needs that need to be addressed?

4 MR. CURLETT: Your Honor, apparently Mr. Banks does
5 need some medicine while he is in incarcerated. I will
6 review this form with him and complete that to make that
7 request.

8 THE COURT: Okay. Very well. Normally I would
9 like to do an arraignment but I suspect your haven't had time
10 to go through the indictment with Mr. Banks?

11 MR. CURLETT: Not in detail, Your Honor.

12 THE COURT: Okay. So I will schedule that in the
13 normal course then.

14 MR. CURLETT: Yes, thank you.

15 THE COURT: Okay. So why don't you complete that
16 and while you are doing that, I am going to ask Mr. Fish to
17 come on up.

18 (Whereupon, at 1:31 p.m. another case was discussed and
19 at 1:31 p.m., the case continued.)

20 THE COURT: Here is your indictment back,
21 Ms. Hoffman. Thank you.

22 (Pause.)

23 THE COURT: Okay, we will send that along with the
24 marshals. Is there anything else?

25 MR. CURLETT: Nothing further, Your Honor.

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1 THE COURT: Okay. Thank you.

2 MS. HOFFMAN: Thank you.

3 (Whereupon, at 1:34 p.m., the hearing concluded.)

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C E R T I F I C A T E

I certify that the foregoing is correct transcript
from the electronic sound recording of the proceedings in the
above-entitled matter.

/s/ Lisa N. Contreras

11-18-2019

Lisa N. Contreras

Date

Certified Transcriber

Certificate No.: CET**D-474